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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,933	01/17/2002	Edward Lester	PD-201165	1752

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THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109
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EXAMINER

CHOULES, JACK M

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/051,933	Applicant(s) LESTER ET AL.	
	Examiner Jack M Choules	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7-11 and 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4,5,7-11 and 13 is/are allowed.
- 6) ☒ Claim(s) 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 2, 4, 5, 7-11 and 13-24 are presented for examination, claims 3, 6, and 12 having been canceled and 14-24 added in the amendment filed 18 November 2004.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 24 recites the limitation "said selected subject category" in the 10th line of the claim. There is insufficient antecedent basis for this limitation in the claim. There is antecedent basis for subject categories and a different set of subject categories, examiner suggests replacing the rejected claim element with --a selected one of said different set of subject categories--.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 14, 15, 18, 19, 20, and 23 are rejected under 35 U.S.C. 102(a/e)** as being anticipated by Boyer et al. [hereinafter Boyer] US patent No. 6,268,849 B1.

7. As to claims 14 and 19, Boyer teaches a web search system comprising “selecting at least one of a specific web page and a subject category where said subject category may be selected from a plurality of subject categories” (fig. 8, indexes 512 and 514; col. 5 lines 59-67; col. 6 lines 1-22; col. 10 lines 40-67; and col. 11 lines 1-8); if one of said plurality of subject categories is selected, displaying the plurality of subject categories, where each said subject category includes a subject heading (fig. 13, index 842, column 10, lines 65-67 and column 11, lines 1-8); displaying at least one channel number, where each said channel number corresponds to one of the at least one web page where the at least one web page, contains subject matter related to said selected subject category selecting one of said at least one channel numbers (fig 14; col. 11, lines 9-24), wherein a displayed input image facilitates the steps of selecting at least one of a specific web page and a subject category, and selecting one of the channel numbers; and displaying a web page corresponding to said selected channel number (fig 14; col. 11, lines 9-24; col. 5 lines 59-67; col. 6 lines 1-22).

8. As to claims 15 and 20, Boyer also teaches, “displaying channel content summary...” (fig. 14, index 862 and text below channel) and “displaying subject category data...” (fig. 13, index 842).

9. As to claims 18 and 23, Boyer also teaches “advertisements, logos and text” (fig 13 and fig 14).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. **Claims 16 and 21 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Boyer as applied to claims 14 and 19 above, and further in view of Cole et al. [hereinafter Cole] US patent No. 5,933,827.

13. As to claims 16 and 21 Boyer does not detail, “a different set of subject categories is presented”. However, Cole does describe a system including “a different set of subject categories is presented” (col. 1, lines 56-67 and col. 2, lines 1-17).

14. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Cole and Boyer because Cole describes the

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well known Yahoo web catalog system which provides relevant web page selections through a hierarchy of categories (Cole col. 2, lines 10-17) improving the versatility of the DP system.

15. **Claims 17, 22 and 24 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Boyer and Cole as applied to claims 1-3 and 7-9 above, and further in view of Yahoo Press Release [hereinafter Yahoo] Yahoo! Launches Yahoo! En Español, Spanish Language Web Guide Features Spanish Programming and Resources for the Global Spanish Speaking Community.

16. As to Claims 17 and 22, Boyer and Cole do not detail “the selected language”. However, Yahoo does describe a system including “the selected language” (first full paragraph of Yahoo news release).

17. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Yahoo with Cole and Boyer because Yahoo the same system described by Cole and multiple language availability serves the needs of a larger more diverse group of clients (yahoo third full paragraph) improving the versatility of the DP system.

18. As to claim 24 although independent claim 24 incorporates the steps of claims 14-17 as addressed hereinabove and thus is subject to the same rejection as the claims in the paragraphs above.

Allowable Subject Matter

19. **Claims 1-2, 4-5, 7-11 and 13 are allowed.** See the previous office action mailed 4 June 2004 and applicant's amendment filed 18 November 2004 for the reasons.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

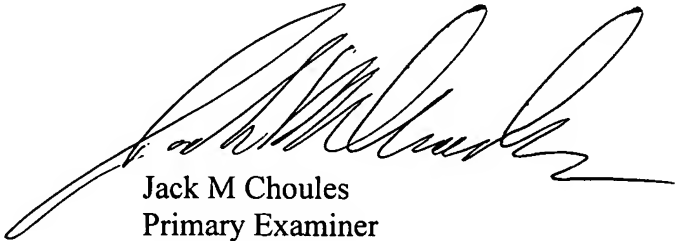
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack M Choules whose telephone number is (571) 272-4109. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Jack M Choules', is written over the printed name and title.

Jack M Choules
Primary Examiner
Art Unit 2167

22 March 2005